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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,856	11/14/2001	Margaret M. Jahn	19603/3391 (CRF D-2702A)	7990
7590 12/29/2005			EXAMINER	
Michael L. Goldman, Esq. NIXON PEABODY LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051			KUBELIK, ANNE R	
			ART UNIT	PAPER NUMBER
			1638	
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,856

Applicant(s)

JAHN, MARGARET M.

Examiner

Anne R. Kubelik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,18,19,22,39-43,45,62-65 and 67-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,18,19,22,39-43,45,62-65 and 67-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after the filing of a notice of appeal. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 October 2005 has been entered.

2. Claims 1, 18-19, 22, 39-43, 45, 62-65 and 67-73 are pending.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The rejection of claims 1, 18-22, 39-43, 45 and 62-65 and 67-73 under 35 U.S.C. 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention is withdrawn in light of Applicant's deposit of Cornell ZPPM 339 and Applicant's amendment of the claims.

5. The rejection of claims 1, 18-19, 22, 39-43, 45, and 62-65 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention is withdrawn in light of Applicant's amendment of the claims.

6. The rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Prasad et al (1967, Amer. Hort. Sci. 91:396-400) and Norton et al (1989, HortSci. 24:709-711) in view of each of Kalb et al (1984, J. Amer. Hort. Sci. 109:411-415) and Zhang et al (1997, HortSci. 32:117-121) as applied to claims 1, 18-20, 22, 39-41, 43, 45, 62-63 and 65 above, and further in view of Trulson et al (1986, Plant Science 4:35-43) is withdrawn in light of Applicant's

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cancellation of the claim.

7. The rejection of claims 18-19 under 35 U.S.C. 102(b) as being anticipated by Prasad et al (1967, Amer. Hort. Sci. 91:396-400) is withdrawn in favor of the 35 U.S.C. 102/103 rejection below.

Claim Rejections - 35 USC § 112

8. Claims 1, 18-19, 22, 39-43, 45 and 62-65 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims are broadly drawn to methods of producing gummy blight resistant *C. melo* seed by crossing plants that have the resistance genes *Gsb1*, *Gsb2*, *Gsb4*, *Gsb5* or *gsb3*, and seed and plants thereby produced.

The instant specification, however, only provides guidance for identifying gummy blight resistant *C. melo* accessions, including PI 157082, PI 551890, PI 482399, PI 482398 and PI 140471 (examples 1 and 4-6); crossing and backcrossing PI 140471, PI 157082 and PI 551890 to each other and to Cornell ZPPM 339 (example 3); evaluating the progeny for gummy blight resistance and analysis of the results to show that PI 157082 and PI 551890 have a different resistance gene than does PI 140471 or each other (examples 7-9); PI 157082 has the resistance gene *Gsb2* and PI 551890 has the resistance gene *Gsb4*. The specification also mentions that PI 157082, PI 551890, PI 482399, PI 482398 and PI 140471 were used with Cornell ZPPM 339, TAM Uvalde, UC Topmark, Oro Rico, Galia type, Ananas type and other *C. melo* varieties in a plant breeding program, but none of the crosses are detailed (example 11). The specification

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states that PI 140471 has the resistance gene *Gsb1*, PI 157082 has the resistance gene *Gsb2*, PI 511890 has the resistance gene *Gsb4*, PI 482398 has the resistance gene *Gsb5*, and PI 482399 has the resistance gene *gsb3*, and that the five resistance genes are separate and distinct from one another (pg 10 and 28).

The instant specification fails to provide guidance for resistance genes *Gsb1*, *Gsb2*, *Gsb4*, *Gsb5* and *gsb3*. The sequences of the genes are not provided. Methods of distinguishing those genes from other gummy blight resistance genes and methods of distinguishing the genes from each other are not provided, with the least amount of information provided for *Gsb5* and *gsb3*.

There is no evidence that any of these the resistance genes are individual genes and not actually closely linked genes. In *Arabidopsis*, the resistance genes RPP14.1 and RPP14.2 are linked by <0.05 cM (Reignault et al, 1996, Mol. Plant Microbe Interact. 8:464-473; see the abstract). The numbers of progeny analyzed in Table 2 of the instant specification would not have detected linkages this close.

Given the claim breath, unpredictability, and lack of guidance as discussed above, undue experimentation would have been required by one skilled in the art to develop and evaluate methods of producing gummy blight resistant *C. melo* seed by crossing plants that have the resistance genes *Gsb1*, *Gsb2*, *Gsb4*, *Gsb5* or *gsb3*, and seed and plants thereby produced.

Given the claim breath, unpredictability in the art, and lack of guidance in the specification as discussed above, the instant invention is not enabled.

9. Claims 1, 18-19, 22, 39-43, 45, 62-65 and 72 remain rejected under 35 U.S.C. 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The rejection is modified from

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the rejection set forth in the Office action mailed 21 September 2004, as applied to claims 1, 18-22, 39-43, 45, 62-65 and 72. Applicant's arguments filed 26 October 2005 have been fully considered but they are not persuasive.

A full review of the specification indicates that the gummy blight resistance genes *Gsb1*, *Gsb2*, *gsb3*, *Gsb4* and *Gsb5* are essential to the operation of the claimed invention. The level of skill and knowledge in the art at the time of filing was such that these genes were not known.

The claims are drawn to a genus of methods of producing a gummy blight resistant *Cucumis melo* hybrid seed comprising at least one of *Gsb1*, *Gsb2*, *gsb3*, *Gsb4* and *Gsb5*, and plants so obtained. The specification does not describe the structure of any such gene, and thus does not describe the structure required for gummy blight resistance. Thus, one of skill in the art would not recognize that Applicant was in possession of the necessary common attributes or features of the genus.

A full review of the specification also indicates that Galia type melon plants are essential to the operation of the claimed invention. The claims are drawn to a genus of methods of producing a gummy blight resistant *Cucumis melo* hybrid seed by crossing Galia type plants, and plants so obtained.

The specification does not describe the structure of Galia type melon plants. The knowledge in the art at the time of filing indicates that Galia is merely a rough phenotypic description that looks like other phenotypic groups (Staub et al, 2000, Euphytica 115:225-241; see Table 1) and that plants grouped as Galia are not genetically closely related (pg 235, right column, paragraph 3).

An unidentified Galia type plant was reduced to practice in the specification. Given the knowledge in the art at the time of filing and the lack of description in the specification, one of

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skill in the art would not recognize that Applicant was in possession of the necessary common attributes or features of the genus.

Claim 19 requires a second gummy blight resistant *C. melo* plant. The only gummy blight resistant *C. melo* plants described in the specification are PI 157082, PI 511890, PI 482399, PI 482398, and PI 140471. Other gummy blight resistant *C. melo* plants are not described in the specification. The specification does not describe the structure of the full scope of gummy blight resistant *C. melo* plants. Given the knowledge in the art at the time of filing and the lack of description in the specification, one of skill in the art would not recognize that Applicant was in possession of the necessary common attributes or features of the genus.

Hence, the specification fails to provide an adequate written description of the claimed invention. Therefore, given the lack of written description in the specification with regard to the structural and functional characteristics of the claimed compositions, it is not clear that Applicant was in possession of the claimed genus at the time this application was filed.

Applicant urges that the instant claims identify the parent plants by name, each of which is publically available, and it is known in the art that these plants are genetically distinct from each other and other melons (response pg 8).

This is not found persuasive. Staub et al (2000, Euphytica 115:225-241) teach that plants grouped as Galia are not genetically closely related (pg 235, right column, paragraph 3) and that Galia is merely a rough phenotypic description that looks like other phenotypic groups (Table 1). Furthermore, the methods require that plants comprising at least one of *Gsb1*, *Gsb2*, *gsb3*, *Gsb4* and *Gsb5* be produced, and that the claimed plants have at least one of *Gsb1*, *Gsb2*, *gsb3*, *Gsb4* and *Gsb5*.

Applicant urges that recitation of the parent plants by name is sufficient and a description

of the intermediate plants is not necessary (response pg 8-9).

This is not found persuasive because, as discussed above, one of the parent plants is not described. Furthermore, the gummy blight resistance genes *Gsb1*, *Gsb2*, *gsb3*, *Gsb4* and *Gsb5* required by the claimed invention are not described.

Claim Rejections - 35 USC § 103

10. Claims 1 and 18-19 remain rejected under 35 U.S.C. 103(a) each of Prasad et al (1967, Amer. Hort. Sci. 91:396-400) and Norton et al (1989, HortSci. 24:709-711) in view of each of Kalb et al (1984, J. Amer. Hort. Sci. 109:411-415) and Zhang et al (1997, HortSci. 32:117-121). The rejection is repeated for the reasons of record as set forth in the Office action mailed 21 September 2004, as applied to claims 1 and 18-20. Applicant's arguments filed 26 October 2005 and 3 November 2005 have been fully considered but they are not persuasive.

The claims are drawn to methods of producing gummy blight resistant *C. melo* hybrid seed by crossing gummy stem blight resistant *C. melo* plants to resistant and non-resistant ones, and seeds and plants thereby obtained. The claims are also drawn to the use of the non-resistant variety UC Topmark and the resistant varieties PI 140471, PI 157082, PI 511890, PI 482398 and PI 482399 in the crosses.

Prasad et al teach a method of producing gummy blight resistant *C. melo* hybrid seed by crossing gummy blight resistant *C. melo* plants to resistant and non-resistant *C. melo* plants, and seeds and plants thereby obtained (pg 397-399 and Tables 1-5). The method steps used include crossing the two parent plants, growing the first generation hybrid seed to yield first generation resistant hybrid plants (table 2) and backcrossing the hybrid plants to produce seed and offspring plants from that seed (table 4), which would constitute "using germplasm derived from the

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hybrid plant in a plant breeding program". The parent plants include PI 140471 (referred to as P-1 in the tables, see legend to Table 1), which inherently has the dominant resistance gene *Gsb1* (see Prasad et al, pg 399, paragraph 2 and the instant specification, pg 25, lines 4-11). The susceptible cultivars used are muskmelons, (pg 397, paragraph 2), which the instant specification teaches belongs to *C. melo cantalupensis* (pg 1, lines 26-27). The parent plants taught by Prasad et al also include plants with moderate resistance conferred by dominant genes (pg 399, paragraph 2). Prasad et al also teach crossing the resulting hybrid plants to resistant and susceptible plants (Table 4). Plants regenerated from tissue culture of any of the plants taught by Prasad et al would inherently be identical to the plants taught by Prasad et al.

Norton et al teach a method of producing gummy blight resistant *C. melo* hybrid seed by crossing gummy blight resistant PI 140471 *C. melo* plants to the non-resistant plant Georgia 47, and seeds and offspring plants thereby obtained (Fig. 1). PI 140471 inherently has the dominant resistance gene *Gsb1*, as discussed above. Crossing of subsequent generations involves crossing of two resistant plants and backcrossing (Fig. 1), which would constitute "using germplasm derived from the hybrid plant in a plant breeding program". Plants regenerated from tissue culture of any of the plants taught by Norton et al would inherently be identical to the plants taught by Norton et al. Georgia 47 is a muskmelon (Table 1), which the instant specification teaches belongs to *C. melo cantalupensis* (pg 1, lines 26-27).

Neither Prasad et al nor Norton et al disclose use of the varieties UC Topmark, PI 157082, PI 511890, PI 482398 or PI 482399 in the crosses.

Kalb et al teach the fruit quality characteristics of UC Topmark and other *C. melo* muskmelon varieties (Tables 1 and 3-4).

Zhang et al teach the resistance of a number of *C. melo* varieties, including PI 140471, PI

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157082, PI 511890, PI 482398, PI 482399 and Topmark, to gummy blight (Tables 1 and 2). PI 140471, PI 157082, PI 511890, PI 482398 and PI 482399 were identified as having high levels of resistance (abstract).

The instant specification teaches that PI 140471, PI 157082, PI 511890, PI 482398 and PI 482399 have the Applicant-defined gummy stem blight resistance genes *Gsb1*, *Gsb2*, *Gsb4*, *Gsb5* and *gsb3*, respectively (pg 28, lines 28-30).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the method of producing gummy blight resistant *C. melo* hybrid seed taught by each of Prasad et al and Norton et al, to use the *C. melo* varieties described in each of Kalb et al and Zhang et al. One of ordinary skill in the art would have been motivated to do so because of the fruit qualities that a line like UC Topmark and other *C. melo* varieties could bring to breeding programs (Kalb et al, pg 413, paragraph spanning the columns) and because use of gummy blight resistance lines other than PI 140471 could breed melons with higher gummy stem blight resistance (Zhang et al, pg 117, column 2, paragraph 1). Zhang et al also suggest using the lines they have identified as having resistance in breeding programs (pg 120, column 3, paragraph 4).

Applicant urges that the claims are limited in terms of the recurrent and non-recurrent parents used in the methods, and neither Prasad nor Norton describes crossing specific types of resistant and non-resistant plants and that the combination of references does not overcome this deficiency, citing the Jahn Declaration (response pg 11-12)

This is not found persuasive. Applicant has not argued the stated motivation specifically, only argued against the references singly. The Jahn Declaration ¶13 only expresses an opinion, one that is not supported by data.

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Applicant urges that the provided motivation of Norton's success crossing PI 140471 and a commercially appealing recurrent parent is an obvious to try approach (response pg 11).

This is not found persuasive because Norton's success is not the stated motivation in the rejection. The stated motivation is as follows: one of ordinary skill in the art would have been motivated to make the claimed crosses because of the fruit qualities that a line like UC Topmark and other *C. melo* varieties could bring to breeding programs (Kalb et al, pg 413, paragraph spanning the columns) and because use of gummy blight resistance lines other than PI 140471 could breed melons with higher gummy stem blight resistance (Zhang et al, pg 117, column 2, paragraph 1). Zhang et al also suggest using the lines they have identified as having resistance in breeding programs (pg 120, column 3, paragraph 4).

Claim Rejections - 35 USC §§ 102 - 103

11. Claims 18-19, 22, 39-43, 45, 62-65 and 67-73 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Prasad et al (1967, Amer. Hort. Sci. 91:396-400). The rejection is modified from the rejection set forth in the Office action mailed 21 September 2004, as applied to claims 22, 39-43, 45, 62-65 and 67-73. Applicant's arguments filed 26 October 2005, have been fully considered but they are not persuasive.

Applicant has claimed melon plants, including unnamed hybrids and NY 01-190-3R, -7L, -9L, produced after backcrossing melon plants. However, it appears that the claimed plants and seeds are the identical to the melon plants and seeds taught by Prasad et al (Table 4), given that each has gummy blight resistance and enhanced disease tolerance, for example. The prior art plants appear to differ from the claimed plants only by their method of manufacture. However,

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the claimed method of making the plants would not distinguish them over the plants taught by the prior art. See *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985), which teaches that a product-by-process claim may be properly rejectable over prior art teaching the same product produced by a different process, if the process of making the product fails to distinguish the two products.

As discussed above, the hybrid melon plants and seeds taught by Prasad et al appear to be identical to those produced by the method of claim 18. Prasad et al teach a method of producing gummy blight resistant *C. melo* hybrid seed by crossing these hybrid gummy blight resistant *C. melo* plants to resistant *C. melo* plants, and seeds and plants thereby obtained (Tables 3-4). The method steps used include backcrossing, selfing, “pedigree breeding” and “intercrossing”. The plants involved include PI 140471 (referred to as P-1 in the tables, see legend to Table 1). Thus, the method taught by Prasad et al appears to be identical to the claimed method.

Applicant urges that Prasad does not teach crossing PI 140471 with any of the recurrent plants recited in the claims (response pg 13).

This is not found persuasive. As discussed above neither Galia type plants nor the hybrid plants and seeds of claims 22, 39-43, 45, and 62-65 have been adequately described. Furthermore, a prior art plant having the same characteristics as the claimed plant would anticipate the claimed plant even if made by a different method (*i.e.*, using a different parent plant).

Applicant and the Declaration of Margaret Jahn urge that NY 01-190-3R, -7L, -9L has a particular pedigree, which are different from those of the cited references (response pg 13; Declaration ¶12).

This is not found persuasive because a prior art plant having the same characteristics as

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the claimed plant would anticipate the claimed plant even if made by a different method (i.e., using a different parent plant).

Applicant urges that Prasad teaches crossing only two types of non-resistant parent plants with PI 140471 (response pg 13)

This is not found persuasive because a prior art plant having the same characteristics as the claimed plant would anticipate the claimed plant even if made by a different method (i.e., using a different parent plant).

A rejection under 35 U.S.C. 102 or 103 does not require the same analysis as rejections under 35 U.S.C. 102 and under 35 U.S.C. 103. The rejection is made because the Examiner cannot determine whether the prior art possesses the unrecited characteristics. The Examiner does not have sufficient facts to determine whether the plants and seeds are inherently the same. In addition, the Examiner cannot conclude that the claimed subject matter would have been obvious since it cannot be determined whether the plants differ. Where the prior art product seems to be identical, except that the prior art is silent to a characteristic or property claimed, then the burden shifts to Applicant to provide evidence that the prior art would neither anticipate nor render obvious the claimed invention. See *In re Best* 195 USPQ 430, 433 (CCPA 1977).

12. Claims 22, 39-43, 45, 62-65 and 67-73 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Norton et al (1989, HortSci. 24:709-711). The rejection is modified from the rejection set forth in the Office action mailed 21 September 2004, as applied to claims 22, 39-43, 45, 62-65 and 67-73. Applicant's arguments filed 26 October 2005, have been fully considered but they are not persuasive.

Applicant has claimed melon plants, including unnamed hybrids and NY 01-190-3R, -7L, -9L, produced after backcrossing melon plants. However, it appears that the claimed plants and

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seeds are the identical the prior art melon AC-70-154, given that each has gummy blight resistance and enhanced disease tolerance, for example. The prior art plants appear to differ from the claimed plants only by their method of manufacture. However, the claimed method of making the plants would not distinguish them over the plants taught by the prior art. See *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985), which teaches that a product-by-process claim may be properly rejectable over prior art teaching the same product produced by a different process, if the process of making the product fails to distinguish the two products.

Applicant urges that Norton only teaches crossing PI 140471 with Georgia 47, and backcrossing with Georgia 47, producing a plant with the Georgia 47 genetic background; the instant claims do not recite using Georgia 47 as the recurrent parent (response pg 13-14).

This is not found persuasive because a prior art plant having the same characteristics as the claimed plant would anticipate the claimed plant even if made by a different method (i.e., using a different parent plant).

A rejection under 35 U.S.C. 102 or 103 does not require the same analysis as rejections under 35 U.S.C. 102 and under 35 U.S.C. 103. The rejection is made because the Examiner cannot determine whether the prior art possesses the unrecited characteristics. The Examiner does not have sufficient facts to determine whether the plants and seeds are inherently the same. In addition, the Examiner cannot conclude that the claimed subject matter would have been obvious since it cannot be determined whether the plants differ. Where the prior art product seems to be identical, except that the prior art is silent to a characteristic or property claimed, then the burden shifts to Applicant to provide evidence that the prior art would neither anticipate nor render obvious the claimed invention. See *In re Best* 195 USPQ 430, 433 (CCPA 1977).

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Conclusion

13. No claim is allowed.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.

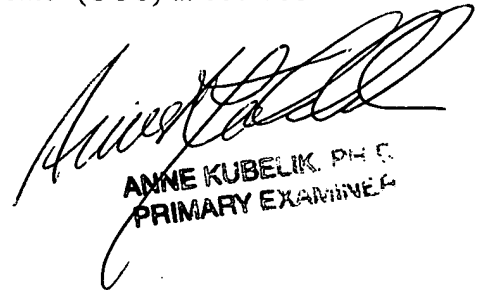
The central fax number for official correspondence is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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Anne Kubelik, Ph.D.
December 21, 2005



ANNE KUBELIK, PH.D.
PRIMARY EXAMINER